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SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Forty-seventh session

SUMMARY RECORD OF THE 18th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 14 August 1995, at 10 a.m.

Chairman: Mr. MAXIM

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The meeting was called to order at 10.10 a.m.

IMPLICATIONS OF HUMANITARIAN ACTIVITIES FOR THE ENJOYMENT OF HUMAN RIGHTS (agenda item 19) (continued)

INTERNATIONAL PEACE AND SECURITY AS AN ESSENTIAL CONDITION FOR THE ENJOYMENT OF HUMAN RIGHTS, ABOVE ALL THE RIGHT TO LIFE (agenda item 13) (continued) (E/CN.4/Sub.2/1994/29, E/CN.4/Sub.2/1991/32)

THE FIFTIETH ANNIVERSARY OF THE UNITED NATIONS AND THE SUB-COMMISSION (agenda item 21) (continued)

1. Mr. BANDIER (United Towns Agency for North-South Cooperation), speaking on agenda item 13, said that his organization believed that lasting international peace and security would only be assured once an end had been put to every form of inequality and when all human beings, regardless of race, colour, sex, belief or social condition, were accorded respect. In that context, the overall problem of development was basic and the teams which his organization had set up were working tirelessly towards that end. Human rights were of fundamental importance in the accomplishment of that task.

2. His organization's efforts to date had been on a modest scale but its goals were ambitious. With the support of a large and growing number of local, national, regional and international organizations which shared its ideals, he was confident that positive results would be achieved. With the support of local and regional territorial groups, it was hoped, during the current year, to initiate a number of agreements for interregional cooperation between developed and developing countries.

3. Education in all its aspects was high in his organization's agenda, particularly education for peace and education in human rights, obligations must not however be forgotten. His organization was particularly interested in children who would after all be the adults of tomorrow and would then be responsible for setting up new structures to ensure a better world and to carry forward the torch of values to future generations. Women, who knew only how to give, who received so little in return and who were so often the innocent victims of the murderous insanity of those whom they had brought into the world would naturally be involved in the task of regeneration as they were tne natural producers of all civilizations. It was his hope that women would be able to speak freely at the forthcoming World Conference on Women in Beijing and to submit draft resolutions which would be adopted and implemented.

4. Mr. BANDIER (International Association of Educators for World Peace) speaking on item 13 of the agenda, said that he would like to congratulate Mrs. Warzazi on the lucid statement she had made in the fifth meeting of the Sub-Commission on 3 August on the issue of the former Yugoslavia. His organization was fully aware of that situation and unreservedly shared Mrs. Warzazi's misgivings.

5. For more than 25 years the International Association of Educators for World Peace had been working in more than 110 countries with the unconditional support of high-level educators and academics in an effort to make a modest contribution to the work of building a lasting peace.

6. It was painful to observe that, during the past half-century, notwithstanding the adoption of countless international legal instruments, there had been bloodshed continuously in every continent. The entire human race, including heads of State and Government had talked peace unceasingly, but it was war which had replied in an ever more outrageous fashion. Such a paradox could not be allowed to continue. It was time for the world to take full cognizance of the situation and to mobilize all its energy to put an end to situations which were inexorably leading to the abyss.

7. The reasons - violations of human rights, social inequalities, intolerance, religious extremism, disinformation and corruption - were well known. Effective practical measures must now be taken in order to make all aware of the seriousness of the current situation and of their own too often forgotten obligations. All peoples and nations must unite to put an end to the destruction of all human values in order to avoid the explosion foreseen by Mrs. Warzazi.

8. His organization's role was education. An immediate effort must be made at the world level and in cooperation with all like-minded organizations to intensify all programmes which emphasized education for peace, for human rights and for moral and civic education as well as all programmes which would exclude every form of political influence, misunderstanding and the encouragement of every form of conflict. His organization was as always open to all who would like to know more about its activities and programmes for the closest possible cooperation with the United Nations in its efforts to defend human rights as the basic factor in the settlement of conflicts.

9. Mr. TEMEHARO (International Work Group for Indigenous Affairs), said that he was also speaking on behalf of Hiti Tau, a network of about 30 non-governmental organizations of French Polynesia and which in turn belonged to a regional group of non-governmental organizations, the Pacific Islands Association of Non-Government Organizations.

10. In May 1995 non-governmental organizations from 23 countries of the Pacific had adopted a resolution for the denuclearization of the Pacific region. The apparently irrevocable decision of President Chirac of France had made the task of denuclearizing the Pacific more difficult and represented a setback for the world denuclearization process. Moreover, the Human Rights Committee had already recognized that the development, testing and manufacture of nuclear weapons represented one of the gravest threats to the right to life. The Committee had also said that the possession and deployment of nuclear weapons should be prohibited and categorized as crimes against humanity.

11. No independent scientific study had hitherto been able to demonstrate that the underground tests in Mururoa and Fangataufa were not dangerous. Accidents and the lack of security measures in the past had thrown further doubts on French claims that those tests involved no risks. Moreover, the

World Health Assembly, in May 1993, and the United Nations General Assembly, in December 1994, had asked the International Court of Justice whether the use or threatened use of nuclear weapons was permissible in international law.

12. The concept of the nuclear deterrent and the French tests were detrimental to interests and lives of the Maohi people, to the indigenous peoples of the Pacific and to all the peoples of the region whose opinion had not even been asked on issues which were so important to them as the real impact on the environment, health, development, and their future and their right to life. The Maohi people and the peoples of the Pacific refused to accept that the Pacific ocean should become the dustbin for the radioactive waste of the nuclear Powers.

13. The International Work Group for Indigenous Affairs and Hiti Tau urged the Sub-Commission to express its opinion on the tests planned by France which were in flagrant violation of a number of rights recognized by France. The tests violated articles 6 and 7 of the International Covenant on Civil and Political Rights as well as articles 6, 7, 12 and 15 of the International Covenant on Economic, Social and Cultural Rights and a number of other principles of international law.

14. The organizations he represented invited the Sub-Commission to contribute to the process of the denuclearization of the planet.

15. Mr. KADIEV (Society for Threatened Peoples) speaking on item 13 of the agenda, said that the war in Chechnya was considered international by Chechnya but as an internal affair by Russia. One fact was indisputable, namely, that the most fundamental human rights had been violated on a massive scale by Russia. It was equally clear that Russia had violated even minimum requirements of humanitarian law, which forbade attacks on civilians and the deliberate destruction of civilian buildings and infrastructure. The use of chemical weapons was prohibited under a treaty signed by Russia. A United Nations aid agency had publicly stated that chemical weapons had been used in Chechnya and the victims had been shown on television in Switzerland the previous week. When it came to human rights violations and violations of international law prohibiting the use of weapons of mass destruction and chemical weapons, the distinction between international and other wars became meaningless.

16. Russia had unleashed a massive military attack on the small Chechen people in order to achieve its political goals through force. During the military actions and the massive bombing of civilian targets, more than 30,000 civilians had been killed, 800,000 wounded, 500,000 had lost their homes and had been displaced and thousands of children had become orphans. The country had been completely destroyed. The human rights of the Chechen people continued to be violated throughout Russia and Chechnya. Two thousand men were in concentration camps, including many teenagers and old men who had not participated in the military resistance. Tens of thousands had been detained in filtration camps where there had been allegations of torture and killings. Human rights violations continued in Chechnya even today; the previous week Russian forces had attacked Bamut and Roshny-chu using "grad" missiles which were calculated to cause mass destruction and heavy casualties within a large area.

17. Human rights violations committed 50 years ago during the Second World War were being acted upon in the Sub-Commission. He asked why it could not act on violations committed during the Chechen war in 1995. The Society for Threatened Peoples urged the Sub-Commission to call on the Government of the Russian Federation to apologize officially to the Chechen people for the huge losses among the civilian population during the bombing of cities and villages; to give pensions to families whose members had been killed; to provide conditions for the physical and mental rehabilitation of the victims of war; to release all illegally detained persons and to give compensation to those who had suffered physical and mental injuries; to provide accommodation or shelter before the start of the winter for those who had lost their homes; and to bring to justice in a court of law all those responsible for the deliberate and arbitrary killings of civilians in Chechnya.

18. Mr. KHALIFA said that, although no document had been submitted under item 19, the implications of humanitarian activities for the enjoyment of human rights was a major issue that was pervading the international atmosphere and causing a great deal of confusion. For some years past, there had been many instances of so-called humanitarian intervention, sometimes at the point of a gun. Since the General Assembly had adopted resolution 43/131 in 1990, affirming the desirability of closer cooperation among nations in cases of natural disasters and similar emergency situations, that innocent resolution had become a Trojan horse for a huge campaign for a new right in the family of rights, namely, the right of humanitarian intervention. The ambiguity of the ultimate objective had meant that it could serve as a vehicle of political interference and meddling in the internal affairs of States and could jeopardize the most sacrosanct of international law principles, namely, the sovereignty of the State and the right to self-determination. There was no denying that the need for humanitarian assistance could occasionally arise but there were very rare cases of true humanitarian intentions.

19. Humanitarian missions had in the past been undertaken by international relief agencies such as the International Committee of the Red Cross, but subsequently, as an outcome of the so-called new international order, they had been led by foreign troops, in some instances with the legitimacy given by the Security Council.

20. At the previous session of the Sub-Commission, he had tried to explain his rejection of the current development of a new right that could amount to a right to interference among States. He had four reasons. Firstly, respect of national sovereignty was the cornerstone of international order and, until international law changed its mind regarding that basic foundation, could not be touched. Secondly, in practice, past experience had proved that there was no such thing as humanitarian intervention pure and simple. Thirdly, bending the letter and spirit of international law became easier with the growing vulnerability of the United Nations system following the fall of the Soviet Union. Fourthly, the drastic spread of haphazard interventionism would eventually end in a collision course given the conflicting interests of the big Powers and could consequently raise the threat of war. The conflict in Bosnia demonstrated that serious possibility.

21. The Sub-Commission could not, in principle, be against humanitarian assistance. There was a dire need for it in the event of natural disaster and in times of armed conflicts which created untold suffering, particularly among civilians. Nevertheless the Sub-Commission could not afford to let that wild horse go loose and at large. It should be broken to follow the rules of lawful international behaviour and that was precisely what the Sub-Commission should request.

22. While international aid and relief agencies responded in the main irrespective of politics, the use of troops to carry out or support humanitarian activities was an altogether different thing. Troops represented an expression of political will. Experience had, however, shown widely different results. It had been somewhat positive in the case of Rwanda but had been a disaster in the case of Somalia. What was needed was an investigation and thorough analysis in order to avoid repeating past mistakes and, even more, to test the soundness of the new theorem calling for the definition of new principles of international action based on concerns for the safety and security of peoples. Amendments to the Charter of the United Nations might be envisaged instead of arbitrary responses to crises in disregard of the basic principles of international relations. In the meantime, the mainstays of international relationships, non-intervention and self-determination, should not be flouted or destroyed.

23. In the light of those considerations, he had been shocked and baffled by Commission decision 1995/107 not to forward to the Economic and Social Council the Sub-Commission's draft decision concerning a study on the enigmatic and confusing humanitarian assistance issue. One of the reasons given by the Commission had been the desirability of avoiding overloading the Sub-Commission's agenda, which seemed a strange pretext.

24. In fact, the Sub-Commission badly needed such a study. The issue was burning and even explosive. He fully concurred with the view of Mrs. Palley in her preparatory document submitted at the previous session (E/CN.4/Sub.2/1994/39) that there were several unavoidable legal points that needed to be considered and settled in the determination of legitimacy. The criteria and procedure must be specified in advance and agreed upon as a sine qua non for the legitimization of any so-called humanitarian endeavour.

25. Mrs. MBONU said that humanitarian intervention was not a new phenomenon in international relations; it was a practice that had existed for years in the form of humanitarian assistance given to victims of natural disasters and wars by various NGOs and intergovernmental organizations. When humanitarian activities undertaken by United Nations organs were considered however, negative and positive reactions came to the fore. Advocates of humanitarian activities carried out in another State either unilaterally by a State or collectively by States, justified such action in most cases on the grounds of massive violations of human rights. In so doing they had always tried to reinterpret Article 2, paragraph 4, of the Charter of the United Nations which prohibited the threat or use of force against the territorial integrity or political independence of any State. Another extreme reason advanced by such advocates was the protection of a State's nationals in a foreign State especially where civil unrest or war existed.

26. The political implication of such action was that powerful States would arrogate to themselves unlimited power to meddle with impunity in the internal affairs of weak sovereign States or even topple Governments which did not, in their own judgement, respond to the correct desires of citizens. There was no gainsaying the fact that the victims of such abuse of power would be third world countries which would succumb when faced by the military might and highly developed technology of intervening powerful States.

27. Bearing in mind Article 2, paragraph 4, of the Charter which did not permit unilateral or even collective interference in the affairs of another State, the question arose as to how the international community would respond if it was faced again with the anarchy which characterized Somalia in 1992-1993 and the gruesome pictures of dying children and vulnerable groups clearly shown on international television. The question was whether it would have justified a unilateral humanitarian intervention by any State that had the capability. The fact had to be acknowledged that there were prospects for as well as problems in humanitarian assistance. The exceptional unilateral intervention of the United States in Somalia to save lives and the appreciation shown by the international community showed that humanitarian assistance in such an extreme situation could be helpful, as it could also be in cases of natural disaster or during drought, famine, earthquake or when there was pure anarchy, meaning an absence of either a de jure or de facto Government in place.

28. It should be emphasized, however, that the case of Somalia should be an exception and should not be the rule. Whenever there was a Government in place such action should be condemned. Bona fide humanitarian assistance was a duty of human solidarity but, as Mr. Khalifa had pointed out, when it became a camouflage for interfering in the internal affairs of a State and encroaching on its sovereignty, then it should be condemned.

29. She had not been privy to the reasons adduced by the Commission for not allowing Mrs. Palley to carry out the proposed very important study. Perhaps the mandate given to Mrs. Palley should be prepared in such a way that it did not interfere with the authority of the Security Council. The Sub-Commission had in the past carried out less important studies which had ended up in the archives. Financial implications could not be adduced as a reason for not carrying out Mrs. Palley's study. The issue was topical and important and should not be allowed to die.

30. She therefore proposed that the Sub-Commission should submit an appropriate draft resolution to the Commission for Mrs. Palley or whomsoever the Commission might choose, to carry out a study on the implications of humanitarian activities for the enjoyment of human rights.

31. Mr. FAN Guoxiang, speaking on agenda item 19, said that he was grateful to Mrs. Palley for her preparatory document (E/CN.4/Sub.2/1994/39) on humanitarian action by the United Nations, an issue on which, however, the Commission had been unwilling to authorize a Sub-Commission study. In any case, the enormous efforts to provide humanitarian assistance by both United Nations and non-United Nations organizations were to be commended. The cardinal importance of such assistance in emergency situations had been

reaffirmed in General Assembly resolutions 43/131 and 45/100, which had also emphasized that in the process State sovereignty must be respected and humanity and neutrality must be exercised.

32. The confusion of humanitarian assistance with humanitarian intervention had, however, created many complexities. Recently, the United Nations High Commissioner for Refugees had denounced the politicization of humanitarianism, pointing out that just as humanitarian endeavours should not serve to delay or even replace political negotiation, neither must they be used to pursue political and military goals. Representatives of the International Committee of the Red Cross had also drawn attention to the problematic inflation of the word "humanitarian" to cover international responses to conflicts in the form of actual military interventions, embargoes on borders, and the like; and had noted that the challenge was to humanize political action rather than to politicize humanitarian endeavour, because if humanitarian action was misused as an alternative to politics, an opportunistic extension of foreign policy or a means of countering domestic political pressure, it lost its very identity and became a target for armed attacks.

33. There was a recognized distinction between humanitarian workers, on the one hand, who risked their lives in dangerous situations, and humanitarian actors and players, on the other hand, who, far from serving the interests of the victims in armed conflicts, used so-called humanitarian intervention for political purposes.

34. Mr. EIDE said that he agreed it was unfortunate that no thorough study had been done on the implications of humanitarian activities for the enjoyment of human rights. With reference primarily to agenda item 13 but also to agenda item 19, he observed that the Sub-Commission should begin to address the relationship between human rights and peace and between humanitarian action and human rights in the sense of article 30 of the Universal Declaration of Human Rights, the assumption there being that international peace and security started at home.

35. The first generation of human rights organizations had focused on the violations committed by Governments, and the response of the organized international community had been to develop a comprehensive system of human rights norms addressed primarily to Governments. That had been a major achievement: there were now precise guidelines according to which Governments should be held accountable, non-governmental organizations were able to report on infractions, and institutions had emerged which could monitor compliance with those norms and seek to influence governments to improve their performance.

36. It was now becoming apparent, however, that it was only one aspect of the challenge and that it would not be enough to civilize governments if the various non-governmental entities operating inside States and across State borders could not also be civilized. It was therefore time to call for a second generation of human rights organizations, which could build on the achievements of the first by seeking to end the violations committed by non-governmental entities, some of which were much more extensive than those committed by Governments, and which also led to international tension and in some cases to open war. As such, the issue was of relevance to item 13.

37. In some quarters there was a cult of violence as a way of political participation, which precluded the humanization of politics just advocated by Mr. Fan Guoxiang. The cult of violence led to excessive responses by security forces and to escalations of conflicts that had engulfed innocent third parties. The cruelty and deliberate indiscriminateness of such actions, taken to the extreme, had created the growing problem of terrorism, where encouragement and even direct involvement by outside forces were a serious danger.

38. Acts of terror and indiscriminate killing were often justified by principles that in themselves were innocent enough. One of today's key words, the self-determination of peoples, for instance, when used in the abstract was innocent enough, but when applied in practice, was often the basis for extreme brutality pursued in the conviction that some higher purpose justified it. The commander of the Pale Serbs in Bosnia, in the name of defending Serb lands and property, was actually robbing others of theirs, and in reality he was seeking to prevent the existence of a multicultural and tolerant society and fighting, with unspeakable barbarity, against the very principles of equality and non-discrimination in a State which was the common home of different ethnic groups.

39. In Sri Lanka, the Tamil Tigers, prompted by serious discrimination, had started an armed struggle which was becoming increasingly barbaric, and had now turned into a movement that could no longer contemplate peace, even when a new Government offered an ostensibly fair and just solution.

40. In Kashmir, where violations were certainly committed by all sides, extremely militant and violent groups had emerged which, under the banner of self-determination, engaged in acts of terror that targeted completely innocent parties. Only the previous day, a young Norwegian traveller, who had been quite haphazardly picked up by the militant Al Faran group in the Himalayas, had been brutally murdered to make a political point about the Government's refusal to release some of the group's jailed members.

41. In Colombia, an unidentified armed gang had fired into a night spot and killed many young people who happened to be there to enjoy themselves and were by no stretch of the imagination a part of the ongoing political conflict in the country.

42. What was to be done about all that meaningless and inhuman violence? Of course the primary responsibility for maintaining law and order lay with the Government concerned, and indeed it was important for the Government in so doing to respect human rights fully. However, many transnational influences against which a government could not defend itself had an impact on such violence. In extreme but unfortunately not uncommon cases, militant groups received direct outside support in violation of the principle of non-intervention. There was also a massive flow of small arms from individual arms traders who, with funding from the drug traffic, made a great profit from those violent movements. Too little attention had been given in the human rights discourse to that international mixture of legal and illegal traffic in arms and drugs. Beyond that, however, there was moral and ideological support across borders for some of those militant movements, and in recent years it had been couched in the language of ethnic or religious self-determination.

The United Nations should be very careful in the choice of language and its possible consequences, unless it wanted to undo the human rights edifice so painstakingly built up over the past 50 years.

43. He did not have any answers, only one main message: a second generation of human rights action was needed, to complement and build on the first, successful generation. It would not replace the first but would address the other side of the coin: the violations of human rights committed by those not in positions of power. Such action would include human rights education, in terms both of one's own rights and of the rights of others, even those considered enemies. That was what Governments were expected to do, and that was what must be required of all non-governmental entities. He was not certain that point had yet been understood. The previous year the Sub-Commission had in resolution 1994/26 transmitted to the Commission for its consideration the Declaration of Minimum Humanitarian Standards (E/CN.4/Sub.2/1991/55), which had dealt with the responsibility not only of Governments but also of the other agents to whom he was referring. In the end, the point was to humanize politics rather than to make it an exercise in the cult of violence.

44. Mr. CHERNICHENKO said that he wished to draw attention to a few issues and matters of principle under agenda item 19. The question of humanitarian activities went beyond the scope of the problems usually dealt with by the Sub-Commission, and hence its complexity. Certainly the Sub-Commission must not overstep its mandate, but, in connection with the interesting preparatory document (E/CN.4/Sub.2/1994/39) produced by Mrs. Palley, he regretted that it had no way of studying the question more deeply in the context of human rights and, like Mr. Eide, hoped it would do so in the future.

45. If a humanitarian activity was carried out with Security Council authorization it could not, from the strictly legal point of view, be called an intervention. One must be very careful about the terminology used.

46. An allied problem was the growing tendency of Governments to regard an attack on their citizens as an attack on the State itself, and consequently to invoke Article 51 of the Charter of the United Nations. That recent development had, in practice, found reflection in the new Russian military doctrine; although it had long been a policy in the United States, as evidenced in the response to events in Panama. The Sub-Commission should ponder the problem of the point at which an attack against citizens of a State should be interpreted by that State as a matter for self-defence.

47. Agenda item 13, as formulated, made it clear that to ensure human rights was to ensure international peace and security, but the corollary must not be overlooked: to violate human rights was to endanger international peace and security. The problem was no longer so acute as it had been in the 1970s, but both aspects must always be borne in mind.

48. International peace and security were primarily political issues and not just humanitarian ones, and the Sub-Commission must be careful not to overstep its bounds and risk touching on sensitive political questions. Perhaps non-governmental organizations of the new generation, to use Mr. Eide's term, could be of assistance there.

49. In principle, non-governmental organizations helped the Sub-Commission in its work, provided they were objective, which was unfortunately not always the case. Listening to all opinions, of course, was a way of getting at the truth. The representative of a non-governmental organization based in the Netherlands had just alleged, for instance, that Russia had used chemical weapons in Chechnya; yet as a well-informed citizen of Moscow, he knew that that was a complete fabrication, for such an occurrence could not have escaped the attention of the Russian press, which had in the past unearthed even the smallest suspicion on that score. Allegations on Russian television of the use of chemical weapons by one of Dudaev's groups had, for instance, proven unfounded.

50. He called on non-governmental organizations to maintain objectivity in the common endeavour to maintain a respect for human rights and ultimately create lasting peace.

51. Mrs. PALLEY, thanking those colleagues and representatives of non-governmental organizations who had referred to her proposal for a study and to the need to keep the idea of humanitarian intervention on the agenda, said that she herself was content that the study had not been approved. The subject was being taken up in many other quarters: there were, for instance, the reports of the United Nations High Commissioner for Human Rights, the United Nations High Commissioner for Refugees or the representative of the Secretary-General on internally displaced persons, the continuing work of the International Committee of the Red Cross, the studies by jurists like Mr. van Boven and Mr. Eide, the work of the International Law Commission on international crimes, and especially the work of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. Another area being examined was the non-derogability of human rights in practice during emergency situations or internal armed conflicts.

52. She realized full well that her preparatory document (E/CN.4/Sub.2/1994/39) had touched on sensitive areas of the action of international organs or of the competence of major United Nations organs, and she would not argue against the Commission that a coordinating study should be done now. She believed, however, that the major issues had been set out in her document; and the fine tuning could be done later. On the other hand, she did regret the Commission's rejection of Mr. Chernichenko's proposed study on the recognition of gross and large-scale violations of human rights, perpetrated on the orders of Governments or sanctioned by them, as an international crime, and she hoped the Sub-Commission would ask for that study again. She also hoped that an expert like Mr. Joinet or Mr. Eide would take up at least some of the issues she had raised, possibly in working papers for the following session. Perhaps her study had been too large, too comprehensive, too ambitious. The grey area between humanitarian law and human rights law in times of emergency and of armed conflict could be clarified without offending the Commission unduly. At any rate, the issues she had raised would not go away.

53. Her response to Mr. Eide's concept of a new generation of human rights action was a doubtful and more conservative one. Everyone, herself included, spoke too readily about terrorism. It was a mistake to think in terms of labels; it must be remembered simply that terrorists committed very serious

criminal offences, and that any political excuses were beside the point. It was when the approach became emotional rather than analytical that the discussion became misdirected. The error stemmed, in fact, from the past failure to condemn all kinds of violence because it had been done for political purposes of which one approved. Offences of a political character had been protected. One must stop thinking along those lines and think rather of grave criminal offences committed by individuals who might, of course, be part of a political movement. She would thus be cautious about following Mr. Eide's proposed approach, for it was venturing into dangerous emotional territory.

54. Mr. LINDGREN ALVES said that in his view Mr. Eide had touched on the most important human rights need at the moment. Currently, fewer human rights violations were committed by States than by criminal or terrorist organizations operating in countries where citizens were living in peace rather than in situations of civil war. While, originally, human rights had had to be asserted in order to counter State tyranny, that was not the main problem in today's more democratic ambience. Yet the situation was complicated by the fact that governmental or non-governmental international organizations dealt with human rights as if only States could violate them. Events in Brazil, for instance, had shown that such an attitude fostered a focus on the human rights of criminals by law enforcement officials and a concomitant failure to consider the community's need for a secure society. Ordinary citizens were constantly being assailed by criminals and were at the mercy of mafias, and the general public, seeing such scant attention paid to its own safety, had begun to think that the concept of human rights was restricted to the rights of criminals.

55. He fully supported the idea put forward by Mr. Eide that a "second generation" of human rights organizations needed to be established, and that the Sub-Commission needed to give serious consideration to new ways of protecting human rights which would focus more on the human rights violations perpetrated by criminal or terrorist organizations, which appeared to have displaced States as the principal instigators of human rights violations.

56. Ms. BERTRAN (Pax Romana), speaking on agenda item 13, noted that the interrelationship between human rights and international peace was well established and given clear and explicit expression in the preamble and Article 1 of the Charter of the United Nations. That interrelationship made it imperative that certain minimum conditions should be established in any society. Those conditions, according to a working paper produced by Mr. Bhandare (E/CN.4/Sub.2/1994/29) included democracy, development, tolerance, protection of the environment, security and disarmament. Her organization was particularly concerned with the importance of development and the environment. The right to development had to be understood as the right to sustainable development, which meant a development compatible with the full development of the human personality. There could be no doubt that environmental protection was of crucial importance if the most fundamental of human rights - the right to life - was to be guaranteed. Destruction of the environment inevitably meant our own destruction.

57. Pax Romana was convinced that the development of nations and of individuals was fully compatible with a respect for the environment. For that reason, any development had to be sustainable, and no development should be allowed to deprive future generations of the enjoyment of human rights, particularly the right to life. It followed that sustainable development was fundamental to the aims of the United Nations system and of particular importance to the developing countries, where economic development could not be allowed to take place at the expense of the environment, protection of which could not be considered in isolation from other issues. A recent report by the United Nations Development Programme (UNDP) had highlighted the need for a covenant which would oblige the developed countries to set aside 20 per cent of their budgets to priority areas, while the developing countries themselves would set aside 20 per cent of aid received for similar ends. There could be no sustainable development in the absence of minimum United Nations guidelines which would make development aid conditional on certain basic social and environmental criteria. Protection of the environment and its biological diversity was of vital importance. That meant the sustainable exploitation and equitable distribution of natural resources.

58. In view of the great pace at which environmental destruction was proceeding, Pax Romana urged the Sub-Commission to propose to the Commission on Human Rights the creation of a separate agenda item on the protection of the environment. The issue was urgent and immediate enough not to be treated under one agenda item with economic rights and the issue of foreign debt, and efforts should be made to ensure appropriate coordination between the Commission on Human Rights and the Commission on Sustainable Development.

59. The Sub-Commission also needed to consider formulating a draft resolution for the Commission which would propose the following: educational programmes aimed at raising public awareness of the paramount importance of the environment; measures to boost scientific research and observation; and the establishment of biosphere reserves which would preserve an acceptable environmental quality for future generations. That might be done through a covenant between the local community and the international community. Such a covenant would require the full participation of society. Policy would have to be coordinated with the Man and the Biosphere Programme adopted by the Executive Board of UNESCO in June 1995, pursuant to the Programme of Action adopted by the 1992 Rio Conference.

60. As a further measure, the Sub-Commission should include in its recommendation the adoption of the "20:20 system" of aid to developing countries, since the current target of 0.7 per cent did little to promote respect for human rights which was the Sub-Commission's mandate.

61. Ms. KELLER (International League for Human Rights), speaking on agenda item 13, commended the Sub-Commission's focus on international peace and security as an essential precondition for the protection of human rights including the right to life, and urged it to consider the violations of that right which were occurring daily in Afghanistan.

62. Afghanistan was in a state of chaos and few of the elements normally associated with a State now remained. Civil society had almost disappeared, as the Prime Minister and President continued to conduct a war against each

other's forces. Bombing of civilians was a regular occurrence, and many people suffered death or injury as a result of the estimated 20 million land-mines in the country. The Afghan people continued to suffer an almost total denial of their right to self-determination and there were extreme restrictions on freedom of association and expression and on the human rights of women. There was no longer any judicial system or constitution and no effective central authority. In the absence of those institutions, it was impossible to guarantee the human rights principles enshrined in the International Bill of Human Rights.

63. When the Soviet army had left Afghanistan and the Mujahidin entered Kabul, the cold war had ended and the international community had turned its attention elsewhere. The people of Afghanistan, however, continued to be the victims of unrelenting bombing and shelling. The absence of peace and security had resulted in a total disregard for human rights which could be restored only if security and peace were re-established. The International League for Human Rights therefore recommended: that the mandate of the United Nations special mission to Afghanistan should be renewed and its funding increased; that de-mining programmes should be boosted, with a target date of 2000 for clearing the country of mines; that the office of the High Commissioner for Human Rights should establish human rights monitoring offices in the cities of Kabul, Mazar-i-Sharif, Herat, Quandahar and Jalalabad; that the Personal Representative of the Secretary-General for Afghanistan should continue to facilitate communications between the parties to the conflict; and that, recognizing peace and security as fundamental to the enjoyment of human rights, the Personal Representative of the Secretary-General and the High Commissioner for Human Rights should devise a disarmament plan involving the introduction of a United Nations peace-keeping force with a mandate to take possession of weapons. It also recommended that the Sub-Commission should implement similar programmes in conflict areas in other parts of the world.

64. Mr. ANDRABI (World Muslim Congress), speaking on agenda items 13, 19 and 21, recalled the Proclamation of Tehran of 1968, which had called upon States to conform to the standards and obligations set out in the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Declaration on the Granting of Independence to Colonial Countries and Peoples. Despite those instruments, the right of self-determination continued to be a cause of violent conflict in many parts of the world including Kashmir, where, according to estimates by the Rajaji Foundation, the Indian Government was spending up to Rupees 500 million every day to maintain its armed forces. India also continued to spend billions of dollars on the acquisition of modern weapons, which deprived most Indians of basic amenities needed to protect the right to life, such as food, health care, education and social security.

65. Now that the cold war had ended, the denial of the right to self-determination posed the greatest threat to world peace. In Kashmir, it threatened the stability of the subcontinent and cast the shadow of nuclear holocaust over the entire region.

66. In Jammu and Kashmir, India was perpetrating systematic genocide in crimes against humanity. Up to 30 people were killed every day. Atrocities perpetrated against the population living near the artificial cease-fire line

generally went unreported owing to restrictions imposed by the Indian army. India has also sanctioned specific counter-insurgency measures involving the perpetration of acts by members of the intelligence agencies to tarnish the image of those struggling for Kashmiri freedom, had been exposed even by Indian periodicals such as the fortnightly magazine "India Today" and had been condemned by the All Parties Hurriyet Conference (APHC). The APHC had also condemned the kidnapping of five Western tourists and called for their unconditional release. Most recently, it had issued a strong condemnation of the murder of a Norwegian tourist, calling it a crime against humanity, and placing responsibility for the act with the Government of India, which was increasingly desperate to counter the growing concern in Western countries at the denial of self-determination to the Kashmiris. In protest against the murder, it had called for a general strike throughout Jammu and Kashmir.

67. The fiftieth anniversary of the United Nations was an occasion for soul-searching. The Organization had played a vital part in the settlement of many disputes and in the realization of self-determination for a number of peoples. Under its auspices, decisive action by the international community had liberated Kuwait and reawakened the hope of colonized peoples around the world that the end of the cold war might finally have given the United Nations the will to implement its own resolutions. However, the apparent indifference of the United Nations and the international community towards the plight of the people of Jammu and Kashmir suggested that the oil of the Gulf was more precious than the blood of the Kashmiri people.

68. The question of Kashmir had been on the agenda of the United Nations for the last 47 years. The fiftieth anniversary of the Organization provided the Sub-Commission with an opportunity to remind the United Nations of its obligations towards the people of Kashmir, who were waging a legitimate struggle to realize their inherent, inalienable and internationally recognized right of self-determination.

69. Ms. PARKER (International Educational Development, Inc.), speaking on agenda items 19 and 13, said that her organization greatly regretted the fact that the Commission on Human Rights had decided not to forward to the Economic and Social Council a request from the Sub-Commission to authorize a study on the implications for human rights of United Nations action, including humanitarian assistance. Moreover, the Commission had compounded its mistake by implying a need for the Sub-Commission to avoid making judgements on issues that were within the responsibility of other United Nations bodies. Such a statement had dangerous implications and was tantamount to an unacceptable form of censorship.

70. It was unfortunately the case that many of the most critical problems facing the international community had resulted from an incomplete, misguided or biased action on the part of the United Nations. While some Governments were able to raise some legitimate issues, they were often outvoted or subjected to pressure not to voice their concerns. A glaring example of a situation which might have been resolved had action authorized by the United Nations been carried out was that in Kashmir. If the United Nations had succeeded in the early 1950s in holding a referendum to determine the future of Kashmir, the terrible situation which now prevailed there would have been avoided. The absence of effective United Nations action, which had

resulted in part from the cold war, had allowed India to maintain its hold on Kashmir. The situation would never be resolved without the promised referendum.

71. Tibet was another area where, as the General Assembly had recognized, the right of a people to self-determination was at stake. Yet some countries had successfully managed to block proper scrutiny of the situation by the relevant United Nations bodies. The failure of United Nations bodies to act on a clear issue of law and rights needed to be analysed. The human rights situation in Tibet would not be improved without strong action by the United Nations in conformity with earlier General Assembly resolutions.

72. In another example, in a process of State formation following independence from European colonial powers, the regions of East Timor, Moluku (the Moluccas) and Acheh had been seized by the Indonesian authorities. Although the so-called Round Table Conference Agreements had contained provisions for the independence of the Moluccas if the Moluccan people so chose, Indonesia had seized the region in violation of the Agreements. The United Nations Commission for Indonesia had faded away by the mid-1950s and the dispute remained unresolved. Similarly, the situation in East Timor remained unresolved, although United Nations bodies had condemned Indonesia for its illegal annexation. If the Sub-Commission were truly a body composed of independent experts and if the other United Nations bodies acted as they should under the Charter, then the Commission on Human Rights should welcome, indeed demand, that the Sub-Commission examine and comment on the situations in such critical areas.

73. The issue of peace was closely related to that of humanitarian action, while being sufficiently different to require separate study. However, there had as yet been little useful work done on the subject. International Educational Development therefore recommended that the Sub-Commission should begin a new study of that important area, committing itself to a high standard of scholarship and impartiality.

74. Ms. GRAF (International League for the Rights and Liberation of Peoples), speaking on agenda item 13, recalled that, while the Sub-Commission had examined the relationship between fundamental human rights and the maintenance of peace and international security since 1981, it was only in 1990 that the Security Council had adopted specific humanitarian measures aimed at re-establishing that peace and security. It was the situation confronting the Iraqi Kurds, and the recognition that it posed a threat to international peace, which had prompted the Security Council to adopt resolution 688/1990 which demanded, as a means of restoring peace in the region, that the fundamental rights of the Kurds should be respected. A collective action "provide comfort" had also been organized to help the Kurds.

75. Despite that resolution, Kurdistan and its people continued to suffer oppression and continuing attacks by land and air forces, particularly those of Turkey, whose aim was to create buffer zones by deporting the populations of villages which resisted the Turkish forces. At first, it was the border regions with the Islamic Republic of Iran and the Syrian Arab Republic which had been depopulated. Later, as the liberation movement grew, the policy of evacuation and deportation had been extended to all the Kurdish provinces.

76. The most significant development had been the creation in Iraqi Kurdistan of a "no-fly-zone" north of the thirty-sixth parallel, ostensibly to provide better protection for the Kurds. In reality, the existence of the zone helped the Turkish forces to carry out air raids not only against alleged terrorists but also against the civilian population, flagrantly violating the human rights of the local people and humanitarian law. Violations of the protected zone had been met with silence by the Security Council and the international community, although a greater threat to international peace could scarcely be imagined. The International League for the Rights and Liberation of Peoples therefore urged the Sub-Commission to propose to the Commission on Human Rights a detailed study which would provide it and the Economic and Social Council with the information it needed on the violations of the basic rights of the Kurdish people and the threat to peace which they posed. It would be for the Security Council, under the terms of Chapter VII of the Charter of the United Nations, to address the threat to peace posed by the air incursions.

77. The connection between the terrible crimes which had been committed on the territory of the former Yugoslavia and the threat to peace and international security had also prompted the Security Council, in resolution 827 (1993), to establish the International Tribunal for war crimes in former Yugoslavia. That body faced many difficulties in its work and did not have the cooperation of all the parties involved. Nevertheless, it was at least able to represent world public opinion. Similarly, the Permanent People's Tribunal, whose first session had taken place in February 1995 in Berne and considered the conflict in the former Yugoslavia, had served a similar purpose and brought together representatives of civil society on all sides. The Tribunal in its verdict had emphasized the existence of much evidence pointing to the systematic practice of genocide against the Muslim population of Bosnia and Herzegovina, the fact that an imposed solution would be unlikely to work and would indeed be tantamount to rewarding aggression, and the urgent need for preventive diplomacy in the Kosovo region to prevent the situation from deteriorating into armed conflict. The fact that Serbs were being driven out of Krajina was a particularly worrying development which posed a grave threat to international peace.

78. The European Parliament, on 26 April 1995, had drawn attention to the international community's inability to resolve the conflict in the former Yugoslavia and put an end to the flagrant human rights violations which were taking place there. Above all, it expressed regret at the fact that the European Union and the international community in general had failed to support the forces acting for democracy and peace and the independent media in the former Yugoslavia.

79. In the circumstances, the International League for the Rights and Liberation of Peoples could only once again appeal to the international community through its political and diplomatic representative bodies including the Sub-Commission to adopt initiatives likely to lead to peace and international security in the world's conflict zones.

80. Mr. NABI FAI (International Islamic Federation of Student Organizations) said that, before considering agenda items 13, 19 and 21, he wished on behalf of his organization to condemn the recent murder of Mr. Hans Christian Ostro, who had been killed by a group known as Al-Faran, and offer his sympathies to

his family. He noted that the All Parties Hurriyet Conference (APHC), which represented the Kashmiri people, had also condemned the killing, and had said that the kidnappers had appeared to be acting at the behest of the Indian authorities in order to damage the Kashmiri freedom struggle. His organization shared the view of APHC that acts of violence against hostages would do nothing for the cause of Kashmiri freedom, and would do whatever it could to secure the safe release of the remaining hostages.

81. There was now wide recognition, both within the United Nations and in the international community as a whole, that human rights, international peace and development were interrelated and interdependent and that peace and security were the basic prerequisites for the protection of human rights. Contrary to many expectations, the end of the ideological confrontation between east and west had not ended the bloody conflicts which were still raging in many parts of the world.

82. In Kashmir, the basic right of the people to self-determination continued to be denied. Despite the fact that the Security Council had recognized their right to decide their own future, the brutal repression of the Kashmiri people by the Indian occupying forces continued, posing a threat to the peace of the region and threatening to bring about a direct nuclear confrontation between India and Pakistan. His organization therefore urged the Sub-Commission to put pressure on the Indian authorities to allow the Kashmiri people to exercise their right of self-determination under the auspices of the United Nations. As a first step, the Indian Government should be persuaded to withdraw its troops from Kashmir, to engage in political negotiations with the leadership of the people of Kashmir represented by the APHC and to cooperate with Pakistan and the United Nations in adopting procedures for peaceful settlement of the issue in Kashmir.

83. Mr. WILLIS (Observer for Australia), speaking on agenda item 13, said that Australia welcomed the initiative of Mr. Bengoa in proposing a draft resolution on nuclear testing. Australia strongly opposed nuclear testing by any country, and had condemned and would condemn nuclear tests wherever they took place. Continued nuclear testing was fundamentally inconsistent with the commitment given by all nuclear-weapon States at the NPT Review and Extension Conference in May 1995 to exercise "utmost restraint" in nuclear testing pending the entry into force of a Comprehensive Test Ban Treaty. Nuclear tests posed environmental risks which might threaten the right to health. They in no way contributed to peace and security.

84. The decision of the Government of France to resume nuclear testing in the South Pacific had aroused deep concern in Australia, in other countries in the Pacific region and throughout the world. Amongst the peoples of that region, there were serious concerns about the possible adverse environmental and health consequences, particularly in the long term. There was no doubt the French decision was at odds with the thinking and concerns of the overwhelming majority of the international community.

85. The Australian Government had made clear to the Government of France Australia's strong and unequivocable condemnation of the decision to resume testing. It had also taken a range of measures bilaterally and in

multilateral forums to convince the French Government of the depth of concern and resentment that the decision had aroused in the whole Pacific region and beyond. It would continue to call on France to revoke its decision.

86. Australia would welcome strong expressions of concern on that very important issue from the Sub-Commission of the kind envisaged in the draft resolution.

87. It remained Australia's hope that the Government of France would listen to the growing tide of opposition to nuclear testing and reverse its decision.

88. Mrs. LEVY-FURMAN (Observer for Israel) said that the fiftieth anniversary of the United Nations should be used for improving the efficiency and credibility of the Commission on Human Rights and of the Sub-Commission by re-examining concepts, methods and decision-making procedures which might be outdated or inadequate. In some of the recent literature on the reform of the United Nations, respect was expressed for the Organization's achievements in the field of human rights, given its relatively short history. At the same time there was an awareness of its deficiencies. As Max Jacobson, an eminent writer, had pointed out, the United Nations record on human rights was mixed and ambiguous: an elaborate institutional machinery had been set up to implement and enforce human rights standards, but the enforcement remained feeble.

89. In 1994 the informal open-ended working group on the organization of work of the session of the Commission on Human Rights had failed to fulfil its main objectives. Members of the Sub-Commission could provide ideas on how to proceed. The present deadlock prevented the reform of the agenda of the Commission on Human Rights, a reform which was absolutely necessary. The failure of the working group reflected a deficiency in the conception and procedures which governed the decision-making process in the Commission. The idea that consensus was needed sometimes became an end in itself, preventing any change or progress. Consensus should be used to facilitate procedures, but not to block them. Perhaps a flexible attitude, affording some room for dissent, should be adopted.

90. The principle of universality which was supposed to guide the functioning of the United Nations system was being denied in what was a unique case. Since in practice United Nations business was done mainly on a regional basis, all members of the Organization should have a place in regional groups. Israel, however, was excluded from its group and therefore kept de facto outside the process.

91. Ms. WILSON (Observer for New Zealand), speaking on agenda item 13, said that she wished to record her country's support for the strong message of concern about the resumption of French nuclear testing contained in the draft resolution submitted to the Sub-Commission by Mr. Bengoa.

92. She also wished to draw the Sub-Commission's attention to the resolution adopted unanimously in the New Zealand Parliament on 20 July 1995, which deplored the French decision to resume nuclear testing in the South Pacific on the ground that the design, production, testing, possession, deployment and possible use of nuclear weapons constituted threats to the right to life and

to a clean environment for current and future generations and for all species. Her delegation would be grateful if the New Zealand Parliament's resolution could be circulated as an official document of the Sub-Commission.

93. Mr. MELIK-CHAKNAZAROV (Observer for Armenia) said that human rights had been violated in Nagorny Karabakh and that any improvements in the human rights situation in Azerbaijan had taken place only after 350,000 Armenians had been expelled. The Republic of Nagorny Karabakh had existed in the 1920s and had declared its independence in full accord with the necessary provisions. Some 200,000 to 300,000 Serbs had just been expelled by Croatia without any reaction by the international community. The Sub-Commission might therefore wish to take a more careful look at the situation in Nagorny Karabakh, where the indications were that Azerbaijan did not wish to observe the rights of the inhabitants and wanted to settle the problem by military force. Action by the Sub-Commission might help to promote a peaceful solution.

94. Mrs. EIVAZOVA (Observer for Azerbaijan), making a statement equivalent to a right of reply, said that what was happening in the territory of Nagorny Karabakh was the responsibility of Armenia. Azerbaijan had never had any territorial claims against its neighbours. Resolutions adopted by the Security Council had confirmed that Nagorny Karabakh was part of Azerbaijan. If human rights abuses had occurred there under Azerbaijani administration, that had been due to Soviet totalitarianism. Croatia had nothing to do with Nagorny Karabakh, which Armenia had occupied for seven years.

95. Mr. MELIK-CHAKNAZAROV (Observer for Armenia) said that none of the four resolutions adopted by the Security Council on the Nagorny Karabakh issue had affirmed that Nagorny Karabakh was part of Azerbaijan. In any case, even if that were so, Nagorny Karabakh would account for only 7 per cent of Azerbaijani territory. What was needed was the presentation of specific documents, not the making of propaganda statements.

96. Mrs. EIVAZOVA (Observer for Azerbaijan) replied that at the beginning of the twentieth century Azerbaijanis had accounted for over one half of the population of Armenia. Since then massive deportations had taken place on a number of occasions and now no Azerbaijani was left in Armenia. In fact, Armenia had embarked upon ethnic cleansing before the practice had been initiated in the former Yugoslavia. Some 50,000 Azerbaijanis had been expelled from Nagorny Karabakh, and approximately 20 per cent of Azerbaijani territory had been occupied, with no national minorities being involved.

97. Mr. ALI KAHN, commenting on agenda item 19, said that humanitarian activities were obviously very important in the work of the United Nations. The difficulty was that the promotion of humanitarian action had to be balanced against respect for national sovereignty. In his opinion, compelling humanitarian considerations provided one of the grounds when intervention could take place without violating State sovereignty and international law. The real problem was to decide where to draw the line. He therefore supported Mr. Eide's view that the matter should be studied further.

98. Mrs. DAES said that it was clear from the opening words of the Charter of the United Nations that the founders had intended it to benefit all peoples, not only those that had been entirely free or self-governing in 1945. They had carefully set down a process for liberating captive peoples and enabling them to take their places again in the international community. Colonial Powers had been required to submit reports on the steps taken to prepare their remaining colonies for self-determination, and the United Nations, through the Trusteeship Council, had assumed responsibility for hastening the self-determination of many former colonies entrusted to its care.

99. Half a century later, the United Nations was still struggling to achieve its goals of securing peace, development and universal respect for human rights and fundamental freedoms. The challenges were certainly as great as ever. The end of the cold war had brought new conflicts, and the world had yet to see any so-called "peace dividend" from reductions in national military spending. There was a very widespread but none the less erroneous belief that at least one of the original goals of the Charter had been achieved - that of decolonization and self-determination. The independence of Namibia and the eradication of apartheid in South Africa had been hailed by many world leaders as the final act in the drama of decolonization and welcomed as an opportunity to focus the very limited resources of the United Nations on other important concerns. It was, however, far too early to claim such a victory. More nation States might be seated in the General Assembly than there had been in 1945, but thousands of peoples around the world were yet to be made free. Indigenous peoples had barely begun their international march towards self-determination, and minorities in different parts of the world were still struggling for survival and for the full and effective exercise of their human rights and fundamental freedoms.

100. The Charter of the United Nations rightly proclaimed that all nations and peoples were equal, regardless of their size or power. Yet thousands of indigenous peoples, who together amounted to nearly 6 per cent of the human race, continued to be regarded as ineligible to chart their own destiny, only because they were small and culturally different and lacked the military power to do as they wished. For those peoples, then, the fiftieth anniversary of the Charter marked only the beginning of the struggle for self-determination, which might indeed become the key issue upon which the second half-century of the United Nations would some day be compared with the first. The struggle to achieve the universal enjoyment of peoples' right to self-determination was not over, but certain progress had been made, including decolonization and the eradication of apartheid.

101. To those historic achievements the Sub-Commission had made an invaluable contribution. Through its studies, reports, resolutions and debates, it had effectively contributed to the promotion and protection of the human rights of persons or groups of persons. In that connection, particular reference should be made to its work on the protection of the rights of women, children, the disabled, and the mentally ill; of persons subjected to any form of detention or imprisonment; of the victims of enforced disappearances and of missing persons; of migrant workers and their families; and of the world's indigenous peoples and minorities. The continuing contribution made by the Sub-Commission to the abolition of slavery in all its forms should also be acknowledged.

102. Further, it should be emphasized that due to the ceaseless efforts made by the Sub-Commission, particularly in the field of standard-setting, the protection of certain areas of human rights had become increasingly precise. They included the prevention and punishment of the crime of genocide; ways and means to eliminate all forms of discrimination based on race, sex, religion or belief; the protection of mentally ill persons and the improvement of mental health care; the rights of disabled persons and of individuals who were not nationals of the country in which they lived; ways and means to combat torture and other cruel, inhuman or degrading treatment or punishment; the protection of migrant workers and members of their families; and the protection of the rights of indigenous peoples and their heritage. The Sub-Commission had also raised public awareness and enlightened public opinion on the need to respect human rights and fundamental freedoms as well as the serious implications of violations of human rights.

103. It was quite clear that the Sub-Commission had played its most useful role as a body of experts in international law and human rights. To be sure, it frequently called the attention of the Commission on Human Rights to situations in particular countries, but it was unlikely that the Commission had been unaware of those situations before the Sub-Commission had raised them. Rather, it was the Sub-Commission's credibility as a body of experts that in certain cases had persuaded Governments to re-examine a situation which they had believed that they already understood and to give it a higher priority. In any case, the Sub-Commission's expertise in research and standard-setting had been its own unique contribution to the growth in international consensus and action in the field of human rights.

104. The interpretation of international law should be non-political. That was why, in principle, the Sub-Commission should be assertive about the important role it played in establishing a just international order. The interpretation and elaboration of human rights norms should remain its domain. Governments must seek ways of implementing them. But it was dangerous for Governments to negotiate away the interpretation of international law that the experts of the Sub-Commission sincerely believed to be demanded by reason and justice. She therefore urged her colleagues on the Sub-Commission and the NGOs present to give greater attention to protecting the integrity of the role of the Sub-Commission as an expert interpretative body.

105. In the accomplishment of its historic work the Sub-Commission was materially assisted by a great number of very capable NGOs and human rights activists. In that respect it should be pointed out that during the 50 years of existence of the United Nations there had been an extraordinary growth in the number and diversity of NGOs involved in the work of the United Nations: in 1947 they had been only 42, in 1990 they had been over 900, and in 1995 they were already more than 2,000. With that enormous growth in their numbers, the role and influence of NGOs had also increased greatly, as had been seen most strikingly at recent international conferences. The nature of NGOs themselves had also changed. At one time the term "NGO" had referred chiefly to professional, technical and humanitarian organizations with headquarters mainly in industrialized countries. Today, NGOs were increasingly grass-roots organizations, communities and social movements. More of them were from developing countries or represented poor and oppressed people within industrialized countries. Thus the growth of NGOs'

participation in the United Nations represented a growth of popular participation and a direct challenge to the exclusive power and authority of States in international affairs. She wished to pay tribute to all the NGOs which, since the birth of the United Nations and the creation of the Sub-Commission, had made a valuable and historic contribution to their important work. Indigenous populations had also been at the forefront of the great world movement of communities and peoples and would continue to gain greater influence in global affairs as a result of the irresistible momentum to achieve democracy and self-determination in all regions. As the United Nations celebrated its fiftieth year, it was being transformed into another kind of organization in which both States and peoples would share responsibility for their future.

106. The credibility of the United Nations was now at stake, not only in Bosnia and Herzegovina but everywhere where there was suffering and injustice. In the life of a human being a person aged 50 was considered "middle aged", but in the life of the United Nations 50 years of age was barely out of childhood. If the organization was to live to maturity and fulfil the purposes and principles of the Charter, it must not only suffer the pains and errors of youth, but also learn wisdom. She remained hopeful that the United Nations of the next 50 years would truly begin to be a United Nations of all peoples, including all vulnerable groups, and thus reflect within itself, at last, the equality and solidarity of mankind.

The meeting rose at 1 p.m.